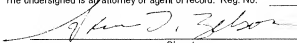


TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING OVER A PRIOR PATENT/REISSUE APPLICATION		Docket Number (Optional) 00121-00889
In re Application of: <u>Vazquez et al</u>		
Application No.: <u>09/288,080</u> (Now US Pat. No. <u>6,248,775</u> , issued June 19, 2001)		
Filed: <u>April 8, 1999</u>		
For: <u>Alpha and Beta-amino acid hydroxyethylamino sulfonamides useful as retroviral protease inhibitors</u>		
The owner*, <u>G.D. Searle LLC</u> , of <u>100</u> percent interest in the above-identified patent, hereby disclaims, except as provided below, the remaining, terminal part of the statutory term of the patent which would extend beyond the expiration date of the full statutory term of prior patent No. <u>5,968,942</u>		
for which prior patent a reissue application has been filed and assigned Ser. No. 11/788,947, as the term of said prior patent is defined in 35 U.S.C. 154 and 173, end as the term of said prior patent is presently shortened by any terminal disclaimer.		
The owner hereby agrees that the subject patent shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with the patent and is binding upon the grantee, its successors or assigns.		
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the patent that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as the term of said prior patent is presently shortened by any terminal disclaimer, in the event that said prior patent later: <u>expires for failure to pay a maintenance fee;</u> <u>is held unenforceable;</u> <u>is found invalid by a court of competent jurisdiction;</u> <u>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</u> <u>has all claims canceled by a reexamination certificate;</u> <u>is reissued; or</u> <u>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</u>		
Check either box 1 or 2 below, if appropriate.		
1. <input checked="" type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.		
2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. _____		
 _____ Signature		<u>10/19/2010</u> _____ Date
_____ Steve T. Zelson Typed or printed name		_____ Title: Attorney-in-Fact
<input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.		
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>		
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324. Form PTO/SB/98 is attached.		

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Vazquez, et al.Application No./Patent No.: 6,248,775 Filed/Issue Date: Issued June 19, 2001Titled: ALPHA- AND BETA- AMINO ACID HYDROXYETHYLAMINO SURSONAMIDES USEFUL AS RETROVIRAL PROTEASE INHIBITORS

G.D. Searle LLC, a LLC  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
 (The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ an assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above by virtue of either:
- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Inventors To: G.D. Searle and Co.  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel 7254, Frame 618-622, or for which a copy thereof is attached.
2. From: G.D. Searle and Co. To: G.D. Searle LLC  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet(s)-Item 2, Change of Name

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Steve T. Zelson  
 Signature

10/19/2010  
 Date

Steve T. Zelson  
 Printed or Typed Name

Attorney-in-Fact  
 Title

*State of Delaware*  
*Office of the Secretary of State*

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PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION UNDER THE NAME OF "G. D. SEARLE & CO." TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "G. D. SEARLE & CO." TO "G. D. SEARLE LLC", FILED IN THIS OFFICE ON THE TWENTY-EIGHTH DAY OF DECEMBER, A.D. 2000, AT 3 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF CONVERSION IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2000, AT 11:59 O'CLOCK P.M.



2076768 8100V

001655316

*Edward J. Freel*  
\_\_\_\_\_  
Edward J. Freel, Secretary of State  
AUTHENTICATION: 0884184

DATE: 12-28-00

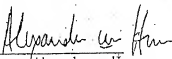
CERTIFICATE OF CONVERSION TO LIMITED LIABILITY COMPANY  
OF  
G. D. SEARLE & CO.  
TO  
G. D. SEARLE LLC

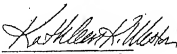
This Certificate of Conversion to Limited Liability Company, dated as of December 28, 2000, is being duly executed and filed by G. D. Searle & Co., a Delaware corporation (the "Company"), and by an authorized person, to convert the Company to a Delaware limited liability company, under the Delaware Limited Liability Company Act (6 Del. C. § 18-101 et seq.) and the General Corporation Law of the State of Delaware (8 Del. C. § 101, et seq.) (the "GCL").

1. The Company's name when it was originally incorporated was GDS Newco Inc., and the Company's name immediately prior to the filing of this Certificate of Conversion to Limited Liability Company was G. D. Searle & Co.
2. The Company filed its original certificate of incorporation with the Secretary of State of the State of Delaware and was first incorporated on November 26, 1985, in the State of Delaware, and was incorporated in the State of Delaware immediately prior to the filing of this Certificate of Conversion to Limited Liability Company.
3. The name of the Delaware limited liability company into which the Company shall be converted as set forth in its certificate of formation is G. D. Searle LLC.
4. The conversion of the Company to a Delaware limited liability company has been approved in accordance with the provisions of Section 228 and Section 266 of the GCL.
5. The conversion of the Company to a Delaware limited liability company shall be effective on December 31, 2000 at 11:59 p.m. Eastern Standard Time.

IN WITNESS WHEREOF, the undersigned have executed this Certificate of Conversion to Limited Liability Company as of the date first-above written.

G.D. SEARLE & CO.

By:   
Name: Alexandra van Home  
Title: Vice President & Treasurer

  
Name: Kathleen K. Weston  
Authorized Person

*State of Delaware*  
*Office of the Secretary of State* PAGE 2

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "G. D. SEARLE LLC" FILED IN THIS OFFICE ON THE TWENTY-EIGHTH DAY OF DECEMBER, A.D. 2000, AT 3 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF FORMATION IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2000, AT 11:59 O'CLOCK P.M.



  
\_\_\_\_\_  
Edward J. Freel, Secretary of State

2076768 8100V

001655316

AUTHENTICATION: 0884184

DATE: 12-28-00

## CERTIFICATE OF FORMATION

OF

G. D. SEARLE LLC

28. This Certificate of Formation of G. D. Searle LLC (the "Company"), dated as of December 28, 2000, has been duly executed and is being filed by Kathleen K. Weston, as an authorized person, to form a limited liability company under the Delaware Limited Liability Company Act (6 Del.C. §18-101, et seq.).


FIRST. The name of the limited liability company is G. D. Searle LLC.

SECOND. The address of the registered office of the Company in the State of Delaware is c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801.

THIRD. The name and address of the registered agent for service of process on the Company in the State of Delaware are The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801.

FOURTH. This Certificate of Formation shall be effective on December 31, 2000 at 11:59 p.m. Eastern Standard Time.

IN WITNESS WHEREOF, the undersigned authorized person has executed this Certificate of Formation as of the date first above written.

  
Name: Kathleen K. Weston  
Authorized Person